

(Ms. HERSETH addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 5 minutes.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

BUSH'S PLEBISCITARY PRESIDENCY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Massachusetts (Mr. FRANK) is recognized for 60 minutes as the designee of the minority leader.

Mr. FRANK of Massachusetts. Mr. Speaker, to begin, I want to express my appreciation for the remarks of the gentleman from North Carolina who just spoke with regard to his call for oversight. It has been sorely lacking, and it is relevant to the point I want to make today.

Mr. Speaker, I meet, as we all do, with people in my district and people elsewhere in the country, and I have for a couple of years now been engaged in some debate with some of my liberal friends on the nature of our disagreements with this administration. And up until a few months ago, my argument was that we should focus on those policy issues where we disagreed, and there were many: the war in Iraq; an economic policy that undercuts working people, that promotes inequality; policies that weaken the environment; policies that undercut the rights of minorities.

□ 1815

Others have said, no, we have to go beyond that. We have to indict this administration for his whole philosophy of governing and people have questioned its commitment to democracy. I continue to disagree that we should question this administration's commitment to democracy.

Some of the words that get thrown around, authoritarianism and worse should not be used lightly. This remains today, in the sixth year of the Bush Presidency, a very free country. People are free to speak out, to dissent. People are free to be critical. So while I agree that this administration believes in democracy in the broadest sense, I am now convinced that it is a very different kind of democracy than that which has prevailed for most of our history, and which I think is the preferable form.

Yes, the President agrees that the source morally or the power of the government is an election, and he believes that the President ought to be elected. I will turn a little later to questions that have been raised about the integrity of the election process. And I think enough doubt has been raised so that we need to do more to reassure people that we are committed to protecting that integrity.

But let me take the President at his word now. After the election, he said, okay I have been elected. I agree that the President honors the concept that you gain power in a democratic society by winning the election. But here is the difference.

We have historically talked about our checks, about balances, about our three branches of government. We have contrasted that to the more unitary governments in other parts of the world, even democratic ones. We have a separate legislative and a separate independent judiciary and the executive branch.

We have talked, from the beginning of this country, in the debates over ratification of the Constitution, about the benefits of checks and balances. This is an administration which considers checks and balances to be a hindrance to effective governance. This is an administration that believes that democracy consists essentially of electing a President every 4 years and subsequently entrusting to that President almost all of the important decisions.

Now, given the role of Congress, the administration, which I believe deeply holds this view, articulated most consistently and forcefully by the Vice President, they could not have succeeded in imposing it on this country and its Constitution as much as they have without the acquiescence of this Congress.

And that is why I appreciated what the previous speaker, the gentleman from North Carolina, talked about, the need for oversight. I believe we have seen an overreaching by the President. I believe we have seen a seizing of power that should not have been seized by the executive branch. But executive overreaching could not have succeeded as much as it has without congressional dereliction of duty.

I hope that some of the signs I am now seeing of resistance finally in Congress to that will take seed. But I do not see that yet. What we have is a President who won the election in 2004, was declared the winner of the election in 2000, much more dubiously. You know, in some ways President Bush was lucky that there was this flap over the votes in Florida. Because that obscured the fact that George Bush became President of the United States, after the election of 2000, trailing his major opponent by a larger popular vote than anybody in American history.

If you assume that Florida was counted 100 percent accurately, a very

hard assumption to make, George Bush still fell half a million votes behind Al Gore, the fact that he was a minority President, that is with Ralph Nader drawing off 3 million, while Pat Buchanan only drew off a half a million.

But despite that, George Bush took over because of all of the attention had been on Florida. But from then on, he took the position that as President, he was, as he later articulated it, the "decider." That is not a word that you find often in American history. Yeah, the President is a very influential and very powerful person. But he is not the single decider. He is the most important in a system of multiple sources of power.

But thanks to the acquiescence of a Republican majority in this Congress, driven in part by ideological sympathy, he has been allowed to be the decider. So we have had a very different kind of American Government. We have had an American Government in which the President gets elected and exercises an extraordinary amount of power. It is democracy, but it is closer to plebiscitary democracy than it is to the traditional democracy of America.

Plebiscitary democracy, political scientists use to describe those systems wherein a leader is elected, but once elected has almost all of the power. Indeed, I believe, it certainly would seem to me the aspirations of the Vice President, that in some ways the approach of this administration to governance interestingly has more in common with that of Hugo Chavez in Venezuela than almost anybody else.

Elect the President. Let him win and then get out of his way. Now, this has become clear to me in recent months. We had a debate here a month ago on the floor of this House on the right of the President to ignore legislation passed 30 years ago, the Foreign Intelligence Surveillance Act, by which the President and Congress together set forward a method for wiretapping and eavesdropping in cases where we thought there were foreign threats to the U.S.

This is a case where the President and Congress together, in the Carter administration, explicitly adopted a scheme to listen in on people who meant us ill. It was followed by Presidents from Jimmy Carter through Ronald Reagan and George Bush and Bill Clinton. And then this President said, no, I do not like that. That is too confining, so I will ignore it. And I will instead use my power to do what I want to do and forget the requirements of the law, that is, he was doing here exactly what the law talked about doing in terms of goal, but ignored the method that the law set forward.

What Congress had decided with Presidential approval became irrelevant. Now, we debated that on the floor. And this really began to crystallize for me. And defenders of the President, opponents of our rule that said you cannot spend money to do this wiretapping in violation of the law, for the same thing the law calls for.

You know, it is one thing if the President says, well, there is no law here, I have got to do what I need to do. That is dubious and we can get to it. But where the law has been set out in a prescribed constitutional manner as to how you do something, and the President says I am not going to do it that way, I will do it my way, then you are into plebiscitary democracy. Then you are into the democracy that says no checks and balances. No, Congress, I will do what I think necessary.

Now, I wondered about the constitutional authority. And it was cited on the floor, what is called the "vesting clause" of the Constitution. And I thought, gee, that is a pretty important clause apparently; it gives him all that power. How come I do not remember it better?

So I went and relooked it up. Here is what it says: "The executive power shall be vested in a President of the United States of America." That is it. That is the vesting clause. From those words the President and his defenders draw the conclusion that the President can ignore a duly enacted law of Congress if he thinks it should be done a different way.

Well, this is of course totally circular. It is a perfect totality. It says: "The executive power should be vested in the President of the United States." It does not say what the executive powers are. It does say, yeah, the President is the boss of the Secretary of the Treasury or the Secretary of State, but it does not define executive power.

So what they have done is take a simple sentence that says the President is the boss of the executive and use that then to justify the insertion or the assertion of executive power in areas which should have been legislative or judicial. And that has been the pattern in this administration.

In 2001, I voted for a resolution, the authorization of use of force in Afghanistan. You know, when my Republican friends, and some of the other Republicans talk about how Democrats will not stand up to terrorism, I am struck by how they forget the war in Afghanistan. I voted to go to war in Afghanistan because that was the place from which Osama bin Laden attacked us.

Almost everybody, only one dissenter out of hundreds of Democrats, voted to go to war in Afghanistan. In fact, I wish we were doing a better job in Afghanistan. I wish the misguided and mistaken war in Iraq was not driving attention, taking attention away from the war in Afghanistan.

But I voted for the war in Afghanistan. I voted for the authorization to use force. It said in there, and it was unfortunately the model here where the Republicans draft up a resolution and put it through in a way that cannot be amended and only has 20 or 30 minutes to discuss on each side, it said the President may take all necessary actions in this regard.

Well, all of us who voted for it thought we were voting to authorize a

war against Afghanistan if necessary to get Osama bin Laden. The Taliban was given the option of giving him up; they would not do it. We later found the President citing that as authority to order the arrest of American citizens on American soil who would then be held indefinitely in prison with no formal charges brought against them and no opportunity to defend themselves and no way to get out of prison.

That was one of the cases in Chicago where they arrested a man in Chicago, he is an American citizen, they said he was up to no good. He may well have been up to no good, although ultimately they did not even prosecute him. But they arrested him and said they had the right to just lock him up forever, an American citizen with no recourse of any kind because the President ordered it.

Well, there is a statute that says you cannot in America lock up an American without statutory justification. And people said, where is the statutory justification? And the administration said, and was maintaining it until the Supreme Court majority in the Hamdi case finally repudiated it, well, it said right there in 2001, Congress authorized the President to do whatever he had to do to deal with the situation of the attack in America. And that outrageously, illogically was cited as support for this.

But it was in defense of this notion that the President could do whatever he wants whenever he wants to. Now some have argued, well, the President can do anything unless he is explicitly told he cannot. Not in this administration. They believe the President can do anything he wants, even if he is told he can't. That has certainly been the case in national security.

It struck me when we recently dealt with the tracking of terrorist financing that the administration had done this with virtually no congressional cooperation. Now, the statute calls for them to be briefing Members of Congress. We all have seen the record of briefing.

This program started late in 2001. They briefed two people early in 2002, when the program was just starting. They briefed one person in 2003. They briefed nobody in 2004. And they briefed two people in 2005, and nobody for the first 4 months of 2006. Then they learned that the newspapers were going to print it, so after they knew it was going to become public, then they briefed 23 other people.

I was one of those offered a briefing. I turned it down because of the circumstances. They told me that they were going to tell me something that was a secret, when they told me, but was pretty soon not going to be a secret, but if they told it to me, I had to keep it a secret even if it was no longer a secret. So I said, never mind.

But I asked the Treasury Department, why are you briefing me after the fact that it was going to become public? They said, as a courtesy. Well,

that sums it up. You know, the process of briefing Members of Congress is supposed to be part of the constitutional mandate for collaboration. It does not come from Miss Manners; it comes from the Constitution. It is not a courtesy; it is a requirement of collaborative government.

It is a chance to get back and forth about things. And it struck me, Congress would have clearly ratified their right to do the terrorist financing. Congress would almost certainly have given them a lot of the power they wanted with regard to the detainees in Guantanamo, perhaps more than I wanted to.

You know, we had the PATRIOT Act situation where the Judiciary Committee on which I then sat unanimously adopted a very reasonable, balanced bill which gave law enforcement full powers, expanded powers in the nature of what you needed to fight terrorism, but had some safeguards against abuse.

And that bill, having unanimously passed the Committee on the Judiciary, was reported by the Rules Committee. And the Attorney General, acting for the President, said, no, we do not like that bill. Here is a new one. And a new bill was written overnight and debated on the floor of the House with no ability to amend it.

□ 1830

So I didn't like that and voted against it. It showed that Congress was ready to do what the administration wanted. But even knowing that it could probably get from this rather supine Congress whatever they wanted, they haven't wanted Congress to do it.

It strikes me as to why: They don't want Congress to agree on their ability to detain people at Guantanamo or track terrorist financing or do a lot of other things, because accepting the right of Congress to agree with them implies that at some future date Congress might disagree. And the theory of plebiscitary democracy has no room for congressional disagreement once the President has made his decision. So we have a situation of unilateralism and a refusal even to take Congress in when Congress wants to be a willing partner.

Now, there are a couple of problems with that. First of all, I voted for the balanced PATRIOT Act. I believe that the law enforcement people are the good guys and women. I believe that we need to give them new powers when we are dealing with murderous fanatics who are ready to kill themselves. Our basic law enforcement theory of deterrence doesn't work against people who are ready to commit suicide, although that didn't stop us from authorizing the death penalty for suicide bombers a few years ago.

But I believe that the law enforcement people are the good guys, but I don't think they are the perfect guys. I think there were mistakes that were made by the FBI in Boston, outrageous mistakes. I think of Mayfield in Oregon, Captain Yee at Guantanamo,

Wen Ho Lee under the Clinton administration, a number of cases in Guantanamo of innocent people captured on the battlefield in Afghanistan because of the fog of war.

People make mistakes. What we should be doing is giving law enforcement full power, but also having some checks so that people who are unfairly accused can defend themselves and prove their innocence. Our problem is that when the administration does these things unilaterally, we have no way to know whether or not those safeguards are there. When the administration asserts the right to arrest American citizens on American soil, which happened, this is not a hypothetical, and lock that man up forever, fortunately the Supreme Court said, "no," you can't do this, this is America. But when they assert that, the problem is not that they are being tough on terrorists, it is that they are being tough on an individual who chooses terrorism who has no conceivable way to defend themselves to say that there might have been a mistake.

Shutting out the Congress means that you think you are perfect, that you think you can do these things, that you can exercise these extraordinary powers and you don't need anybody to say, wait a minute, maybe you should do it this way or that way.

And, by the way, I do not think the argument is, well, we can't trust the Congress. I am not familiar with any pattern of Members of Congress divulging information or leaking. Frankly, the great majority of leaks I have seen in the 26 years I have been here have come from the executive branch, not from the Congress. They were leaks because of some policy dispute and somebody wants to leverage somebody else, and that includes leaks from the Bush administration when they thought it would help them make the case with Iraq, like Douglas Feith and others.

But the problem of shutting Congress out is that you don't get that input that allows you to exercise powers in a reasonable way, but helps you with safeguards.

In fact, what happens is this. You have things which are not, in themselves, controversial like tracking terrorist financing. Of course we should be doing that. Or surveilling foreign terrorists or wire tapping, of course, with the right reasons, you should do that. But when the administration does them unilaterally and refuses to allow Congress in and refuses to follow some of the rules that Congress has set down, they take noncontroversial things or less controversial things and make them controversial. That is when things become politicized. The debate over the terrorist financing tracking is not over the substance of that program, but over the secretive and unilateral and arrogant way in which the administration decided to do it and shut out any chance for Congress to participate.

So that is the problem with the plebiscitary approach. Yes, you elect a

President and he is supposed to take the lead, but we don't elect perfect Presidents. You elect people who are important. And then we also have a Congress and a court that are supposed to be involved as well; and this administration has time and again refused to do that.

Now, it has been especially the case in areas of national security where, with ignoring the Foreign Intelligence Surveillance Act, or not briefing anybody seriously over terrorist financing, or taking the authorization of the use of force in Afghanistan and bending it way out of shape to make it a universal mandate to do things that no one thought it was supposed to be used for. Or arresting American citizens and holding them forever, arguing that you could do that without any court ever being involved. Having no process by which people innocently caught up in the fog of war in Afghanistan could say, wait a minute, I am not a terrorist, I am just some poor guy wandering around here. But they have also done it domestically.

One of the things this administration has used more than every other administration in history is the right, when signing a bill, a right that they claim to sign a bill, the Constitution says Congress passes a bill, the President can either veto it or sign it. And they say, okay, here is the deal, we will sign it, but when we sign it, we will say that we are really signing these parts and not the other parts, because we consider some of it unconstitutional, so we will ignore it. That is a wholly unconstitutional approach.

The President has a right to say, this is unconstitutional, I don't like it. His job then is to veto the bill. But what he does is he picks and chooses; he thinks the legislation is a supermarket. He walks in, he takes some from here, some from there, he discards what he doesn't like. That is not appropriate.

That is in the domestic area. The signing statements are an assertion of the plebiscitary power in the domestic area that we have seen in the international area, the right of the President to do whatever he wants, to take laws that Congress passed and pay attention to parts of them and not other parts.

There are other examples of this. The Constitution does give the President the right to make recess appointments, but this President has abused that. They are to be used, it seems to me, in unusual circumstances. This President has regularly appointed people to office and to high court seats who couldn't have won confirmation in Senates controlled by his own party. The pattern of recess appointments is a very, very serious one.

You also see it with regard to the people he appoints, because what they have argued is not just that Congress shouldn't be that powerful, but it is the unitary theory of the President. I was frankly surprised when I first came across the unitary theory of the Presi-

dent. I had not been aware of the schizophrenic theory of the Presidency or the notion of the twin Presidencies. But what we have seen in this administration, frankly, is a downgrading of public officials other than the President.

You know, one of the great positions in American history has been Secretary of the Treasury. Very distinguished, important people have been Secretary of the Treasury. It has been a very important part of a system in which various segments in this society participate in discussions. James Baker and Robin Rubin recently, George Schultz, a large body of very impressive Secretaries of the Treasury. Under this Presidency, we have a new one coming in, we can't judge him, but two very distinguished men, John Snow and Paul O'Neill were appointed Secretary of the Treasury, and ignored, belittled by the President's staff.

What we have again is the assertion that a President gets elected and essentially is the decider in ways that really go contrary to the notion of participation by other segments.

Yes, it is true you win an election and you gain some power. This is a very big, very complex country. It really is not a good idea for one individual, even one who was legitimately elected in an election in which there was no contest, and we certainly didn't have that in 2000, to be the decider, to diminish input from others.

Now, again, I have to reiterate that this could not have happened without the collaboration of a supine Congress. Never in American history has Congress been so willing to give away its constitutional function. I know people have said, well, what do you expect, it is a Republican President and a Republican Congress. That is what happens. No, the history of the United States is that even when the same party controlled the Presidency and the Congress, Congress did oversight.

Harry Truman, and people said, well, it is a war, what do you expect? Harry Truman became a national figure when he chaired a Senate committee in a Senate in which the Democrats were a majority, supervising closely the conduct of World War II by the Departments of War and Navy under Franklin Roosevelt. Can you imagine what a Halliburton would have been subjected to in World War II given that Harry Truman was there?

And efforts by this Congress, by my colleague from Massachusetts, Mr. TIERNEY, to institute such a committee, the efforts of our colleague from California, Mr. WAXMAN, to do oversight, they have been rejected by this Congress. So this Congress has not done oversight.

Let's take a more recent example. When Bill Clinton was President for the first 2 years and the Democrats were in the majority, we had a very tough, emotionally searing hearing doing oversight on Waco. We had a hearing in the Banking Committee on

Whitewater. Republicans thought it wasn't sufficiently condemnatory, but they got a chance to present witnesses; we had the hearing. It is only with the exception of President Bush and this Republican Congress that we have seen a collapse of the oversight function because members of the Republican Party belonging essentially to the same very conservative ideological faction that now controls the Republican Party as the President, has decided that partisan solidarity, and ideological solidarity even more, trump constitutional obligations.

So we have seen no oversight. That has played into the hands of the plebiscitary Presidency, into the hands of a President who is allowed more power than is healthy for a society.

And I reiterate, I am not charging authoritarianism. It still is a free country, and I encourage people to use that freedom and to be critical and to organize. But we are still talking about a very, very different mode of governance, the mode of governance in which, instead of the checks and balances and the collaboration and the input of a lot of people, you get one man making the decisions.

Now, I understand that democracy can be messy and it is not always neat, but we have not before this had an executive branch that considered it to be more of a nuisance than anything else. I believe that that is the attitude of the Vice President, and he has a major influence on the President, and they really regard things like checks and balances and judicial review and the role of the media as interference with their ability to govern.

Now, we do face a terrorist enemy. And if in fact these things detracted from our ability to defend ourselves, we would have a real dilemma, but they don't. The argument that democracy, that collaboration with the Congress, that judicial review, that an independent media, that these somehow detract from our ability to defend ourselves is not only morally flawed, it is factually wrong. This Congress would be very willing to participate with the President. And I think if a collaborative process in which thoughtful and well-informed Members of Congress who have gotten expertise in this and that area were able to meet in a collaborative way with members of the administration, the result would be to strengthen what we do. Instead, what we have is controversy after controversy after controversy because this administration does not learn, and they continue to follow the pattern of we will do it unilaterally, we do it without anybody else, we will do whatever we want. And it fails.

I talked before, and I just want to elaborate the constitutional point about the President ignoring the Foreign Intelligence Surveillance Act. My colleagues, when they defend the President, cite certain Supreme Court decisions. They never cite *Youngstown Sheet and Tube* against *Sawyer*, the

steel case. In that case, the Court made a very important point, which is that there are sort of three situations in which you can talk about Presidential power. You can talk about cases where the President and Congress act together, and there the court said, you know what, that is when America is at its strongest.

That is the point I want to make. Constitutionally, our ability as a government to assert our power, to protect ourselves, to mobilize our resources is strongest when the President and Congress work together. It is strongest constitutionally and it is strongest politically and in every other way.

Then, the Court said there is the area where Congress hasn't said anything. Well, maybe the President can do it, maybe he can't. But the Court also said, but you know, and when Congress has said, do it this way, the President has no right to ignore it. Well, that is of course what they did in FISA.

Now, people have legitimately said to me, well, if that is the case, if they are violating some constitutional principles, why aren't they stopped? Because of the nature of our judicial system, it is very hard to bring a case before the U.S. Supreme Court. You have to have what is called standing; there has to be a specific controversy that affects you in a very particular way. This administration has exploited that. They abuse power in ways that they know cannot be brought before the courts. When they are brought before the courts from time to time, they lose, and they have lost most of the decisions before the U.S. Supreme Court about their exertion of extraordinary power. The problem is that they are able to exert that power and get away with it in some cases.

There is only one way for sure that an administration can be restrained from ignoring constitutional limitations and have that brought to court. That is if this Congress passes an appropriations amendment which says none of the money being voted here can be used for this or that or the other. That is the only way Congress can restrain a President from sending troops into battle, which was done in Nicaragua, although somewhat ignored by Reagan, but essentially it was obeyed. And, Angola and Vietnam. Only if this Congress says none of the funds appropriated herein shall be used for X will the Court enforce that. And we came close a little while ago where a majority on our side and a few on the other side said, no, let's tell them they can't ignore the FISA. But a majority of the House, overwhelmingly Republican, wouldn't go along. That is where the congressional dereliction of duty comes in.

□ 1845

Presidents can get away with this assertion of extraconstitutional authority. Congress doesn't have to give them the authority, all it has to do is not stop them. That is what we have done.

And that is a terrible mistake, whether it is domestic or international.

And I want to repeat, with regard to national security, the problem is in many cases not what the administration has done, but the way in which they have done it.

Yes, this is a Congress overwhelmingly ready to give them the power to combat terrorism. We, almost all of us, understood after September 11 of 2001 that we needed a new law enforcement mode in which we got more aggressive, that simply deterring people by the threat of punishment doesn't work in an era of suicidal fanatics. But this administration saw this as a chance to vindicate this theory, I think, of plebiscitary democracy that says that democracy means, you elect me and then you get out of my way; and checks and balances and congressional oversight and media scrutiny, these are all interferences. And, again, there is no basis for arguing that these will stop us from going forward.

One of the arguments we got was, we can't use the court system. We have bad people here, and if we go to the court system, it won't work. Well, it has worked. John Walker Lynn was convicted, Richard Reid, the shoe bomber, was convicted. Moussawi was convicted.

The courts have been unfairly maligned by this administration. We have been able to convict people. Given the record of the courts, there is no justification to asserting your right to lock up an American citizen whenever you want to on your say-so and have no judicial process available to that individual whatsoever. Again, thanks to an 8-1 Supreme Court decision, that is no longer the case, but that was part of the assertion. That is part of the power that they are asserting.

So whether it is signing statements or misuse of the authorization of use of force in Afghanistan, or refusal to talk to Members of Congress on things, or exploiting the fact that it is very hard to get judicial decisions, all of these things come together in a pattern. That is why I say, I acknowledge now that when I told friends over these past couple of years that we should just go policy issue by policy issue and not talk about the overall framework of governance, I was wrong.

It is now clear to me there is a pattern to this administration's actions, and it is one that rejects not democracy, but the democracy of checks and balances and participation and cooperation and collaboration that we have long known; and it substitutes the democracy of the plebiscite, the democracy of the strong man who gets elected and is then allowed to go forward without interference. And I think that is wrong both from a philosophical standpoint and also from a practical standpoint.

I think the insistence of this administration to doing it by themselves and by rejecting efforts to draw in other sectors of this society weakens America and doesn't strengthen it, that it

makes things look more controversial than they need to be.

Now, there have recently been some stirrings here. I was very struck when we had a hearing of the Financial Services Committee, the Subcommittee on Oversight, of the strong and articulate voice of the chair of that subcommittee, the gentlewoman from New York (Mrs. KELLY), who objected to the unilateralism of it. There were some other showings in the Senate. Some Senators have said, no, you can't just ignore what the Supreme Court did and you can't just put a little lipstick on this and forget about it.

I wish the administration would understand that what we are talking about is strengthening America, not weakening it; that the democracy we have had, the checks and balances, they weren't suspended during World War II. People made mistakes during World War II, the relocation of the Japanese and others. Yes, those were terrible mistakes, but you had the Truman Committee and you had a very active Congress.

We have not in any previous emergency felt the need to go from the America of our Constitution to a model of a strong man elected and all power ceded to him. And I hope, though I doubt very much this administration plans to change its approach to this, but I hope that what we are seeing now is a willingness on the part of the Congress to assert the constitutional role of the Congress; not to be obstructionist, certainly not for partisanship because the Republicans control both Houses, but in recognition that an America which functions as it was intended to function, in a way in which the branches cooperate and correct each other and improve each other and work together, we are of a common goal, certainly in the area of national security.

We believe, many of us, that a process in which we work together will yield a better result; that a process which assumes that law enforcement is perfect and therefore can operate in secrecy, without any kind of input, that that will do more harm than good compared to what the alternative would be. Not more harm than good overall, but less good than you could otherwise do.

I believe there is a very strong majority in this Congress prepared to work with this administration in ways that preserve the need for discretion and in which the expertise collectively in this body on a number of issues can help us go forward with the measures we need to protect ourselves and, at the same time, preserve our liberties. And if this administration continues the pattern of these past years, it will damage our ability to come together and make this effort, and I think, over the long term, diminish the nature of our democracy, because the democracy of the plebiscite meets minimal democratic standards, but it does not represent the full richness of a democracy in which all can participate.

Now, my last point is this. Especially for this administration, with its focus on the election of the strong man, there needs to be better recognition of the widespread unhappiness about the electoral process. The election of 2000 clearly was a shambles.

Go back to the mob in Florida. You know, we have the man who has been declared to be ahead in Mexico, Calderon, predicting that Obrador, who is challenging the result, will muster a mob and they will march. Well, he might have been describing the Republicans in Florida in 2000, when a mob intimidated people against counting the votes.

And we had a Supreme Court opinion which did not meet the minimum standards, it seems to me, of legitimacy when they said, okay, the Republicans win this one, but please don't pay any attention to this in future races.

Given this administration's view that elections are all you need, it is all the more important for them to understand that we need to reassure the country that elections are fully, fairly conducted. I do not understand why people confident of their mandate, confident of their ability to win would object to some of the things that have been put forward to reassure people that the votes are counted as they are cast.

The worst you could say about that is that it would be a little unnecessary. An administration that spends money the way this one does can't really think that is a financial problem. And we have had examples of votes miscounted. We understand the vulnerability of machines to tinkering. There is no justification for continuing to fail to adopt safeguards for the counting of votes that will reassure people.

Mr. Speaker, the democracy we have had, the checks and balances, the back and forth, Congress being an interference from the standpoint of the executive, in some cases, strong-minded executives, clashing with the President, maybe being fired trying to get support in Congress, a very assertive media, we have had those for a long time, and we are the strongest country in the world. It is very hard to argue from history that these factors weaken us.

What we have is an administration that is radically trying to change the nature of our democracy. They want to simplify it, they want to neaten it. Democracy is not good when it is neat, certainly not in a country as vast as this one. No single individual, no matter how popular, can embody all of the wisdom and all of the values of the country.

The democracy we have evolved of full participation isn't always convenient for those of us in power, it isn't always as quick as people would like, but it has proven over time to be effective, and it could be not only effective today, but even more effective in our collective self-defense than the current

model, which produces controversy where none is called for and division where we could have unity.

I am not optimistic that we will change the approach of this administration. But I do hope, Mr. Speaker, that our colleagues in this Congress will continue what I think are stirrings of change and reassert our historic role and restore the kind of messy and inconvenient and much better and more inclusive democracy that has been our country's legacy.

STEM CELL RESEARCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Florida. Mr. Speaker, I rise on the floor to address an issue that will be in the news a great deal next week. The Congress of the United States has debated on and off for quite a few years the issues surrounding new breakthroughs in cellular treatments for a variety of clinical diseases, and specifically what I am talking about here are stem cell therapies.

The debate that the Congress has been engaged in for some time now is the issue of whether adult stem cells, stem cells taken from my body, or any adult's body, or even a child's body, because they are considered adult stem cells, can more successfully be used to treat a variety of different clinical conditions; or whether cord blood, which is blood from the umbilical cord, or actually you can get stem cells from the placenta, from the cord itself; or whether this notion that has been put forward for quite some time now, that the stem cells taken from an embryo is actually the best hope for the future for treating a whole variety of different diseases, diseases that we today have no treatments for.

I have taken a keen interest in this issue for some time now for a variety of reasons, the first of which being I am a physician. I still see patients about once a month in the veterans clinic in my congressional district. I practiced medicine for 15 years, internal medicine, prior to my election in 1994. I spent many years treating diseases like Parkinson's disease and arthritis and Alzheimer's disease, diseases that we don't have cures for that people often cite as being potentially more successfully treated with embryonic stem cells.

Additionally, I have to say some of these diseases have affected my family. My own father died of complications of diabetes, and an uncle that I was very close to as a small child died of complications of Parkinson's disease. So I consider these arguments very, very personally, I consider them professionally, and I look at the science. I look very, very closely at the science.

Indeed, I think the science overwhelmingly, if you just pause for a